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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA - SAN JOSE DIVISION**

Unites States of America, For the Use of SAN  
 BENITO SUPPLY, a California corporation,

Plaintiff,

v.

KISAO-RQ 8A 2 JV, a joint venture; FRAZIER  
 MASONRY COMPANY, a California corporation;  
 FEDERAL INSURANCE COMPANY, an Indiana  
 corporation, WESTERN SURETY COMPANY, a  
 South Dakota corporation,

Defendants.

FRAZIER MASONRY COMPANY, a California  
 corporation,

Counterclaim Plaintiff,

v.

SAN BENITO SUPPLY, a California corporation

Counterclaim Defendant.

Case No.: CV13-0469

**STIPULATION FOR VOLUNTARY  
 DISMISSAL OF COUNTER CLAIM  
 PLAINTIFF'S SECOND COUNTER  
 CLAIM FOR NEGLIGENCE**

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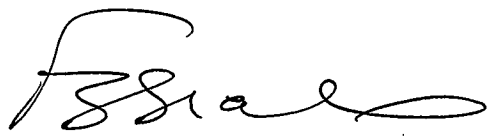
**STIPULATION FOR VOLUNTARY DISMISSAL**

IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff United States of America For the Use of San Benito Supply, by and through its attorneys of record, Monteleone & McCrory, LLP, and Defendants KISAQ-RQ 8A 2 JV, Federal Insurance Company and Western Surety Company, and Defendant and Counterclaim Plaintiff Frazier Masonry Corporation, by and through their attorneys of record Case, Ibrahim & Clauss, LLP that Counterclaim Plaintiff Frazier Masonry Corporation's Second Counter-Claim for Negligence is voluntarily dismissed against Counterclaim Defendant San Benito Supply.

**IT IS SO STIPULATED AND AGREED.**


Dated: July 11, 2014

CASE, IBRAHIM & CLAUSS, LLP

By:   
BRIAN S. CASE  
F. ALBERT IBRAHIM  
Attorneys for KISAQ-RQ 8A JV, Frazier Masonry  
Company, Federal Insurance Company and  
Western Surety Company


Dated: July 11, 2014

MONTELEONE & McCRORY, LLP

By:   
WILLIAM INGALSBE  
DIANA DRON  
Attorneys for San Benito Supply

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Date: August 6, 2014

  
HOWARD R. LLOYD  
United States Magistrate Judge